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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,039	07/29/2003	Peter Thomas John	CML01029AC	9285

7590

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EXAMINER

BETIT, JACOB F

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,039

Applicant(s)

JOHN ET AL.

Examiner

Jacob F. Betit

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/29/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-6, 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Walsh (U.S. patent application publication No. 2002/0107924 A1).

As to claim 1, Walsh teaches a method for identifying, from a plurality of files, at least one file suitable for attaching to a text message to be transmitted from an electronic device, the method being effected by the device and the method comprising:

identifying at least one keyword or phrase in the message to be used in a metadata search (see paragraph 0023);

searching a least one database for files identified by metadata corresponding to at least one search word associated with the keyword or phrase (see paragraph 0031); and

identifying the least one file suitable for attaching to the message, the at least one file having associated metadata matching the search word (see paragraph 0033).

As to claim 2, Walsh teaches wherein the identifying includes selecting nouns as the keyword (see paragraph 0031).

As to claim 3, Walsh teaches wherein the identifying includes selecting verbs as the keyword (see paragraph 0031).

As to claim 6, Walsh teaches wherein the search word partially matches the metadata (see paragraph 0032).

As to claim 5, Walsh teaches wherein the search word exactly matches the metadata (see paragraph 0033).

As to claim 8, Walsh teaches wherein the identifying the at least one file includes listing metadata associated therewith and metadata of other potentially suitable files (see paragraph 0032).

As to claim 9, Walsh teaches wherein the method also provides for selecting and attaching the at least one file to the message (see paragraph 0032).

As to claim 10, Walsh teaches wherein the method allows for transmitting the message with the at least one file attached thereto (see paragraph 0025).

As to claim 11, Walsh teaches an electronic device comprising:
a communications unit (see paragraph 0025, where it would be inherent that there would be a communications unit to transmit the email message);

a keypad (see paragraph 0004, where it is inherent that a “keyboard” contains a “keypad”); and

a processor operatively coupled to both the keypad and communications unit (see figure 1, reference number 10), wherein in use the processor performs:

identifying at least one keyword or phrase in the message to be used in a metadata search (see paragraph 0023);

searching a least one database for files identified by metadata corresponding to at least one search word associated with the keyword or phrase (see paragraph 0031); and

identifying the least one file suitable for attaching to the message, the at least one file having associated metadata matching the search word (see paragraph 0033).

As to claim 12, Walsh teaches further including a display screen for listing metadata associated with the least one file suitable (see paragraph 0032, where it is inherent that a display screen would have to be used to prompt the user to indicate the specific e-mail to attach).

As to claim 13, Walsh teaches wherein the device provides for transmitting the message with the at least one file attached thereto, the transmitting being effected by the communications unit (see paragraph 0025).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2164

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (U.S. patent application publication No. 2002/0107924 A1) in view of Nareddy et al (U.S. patent No. 6,873,981 B2).

As to claim 4, Walsh does not explicitly disclose wherein the search word includes synonyms thereof.

Nareddy et al. teaches this (see column 12, line 54 through column 13, line 7).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Walsh to include the teachings of Nareddy et al. because these teachings would normalize search words so that they are more likely to return search results.

As to claim 7, Walsh does not explicitly disclose wherein word stemming for the search word is used during the identifying the least one file.

Nareddy et al. teaches this (see column 12, line 54 through column 12, line 7).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Walsh to include the teachings of Nareddy et al. because these teachings would normalize search words so that they are more likely to return search results.

Art Unit: 2164

5. Claims 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (U.S. patent application publication No. 2002/0107924 A1) in view of the examiner's official notice.

As to claim 14, Walsh does not explicitly disclose wherein the communications unit is a radio communications unit.

The examiner takes official notice that it would have been obvious for one of ordinary skill in the art at the time the invention was made to teach the communications unit being a radio communications unit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Walsh to include the teachings of the communications unit being a radio communications unit because this would allow someone to have a more portable access to their email and to the pairing system of Walsh. Radio communication units are becoming more and more popular to access the internet because they are more portable and because many times a radio frequency network is easier to set up. Common examples of radio frequency networks that were in wide use for checking email at the time the invention was made are WIFI (802.11b used with laptop and desktop computers) and mobile phone internet access.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9:30 am to 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

jfb

16 Mar 2006


SAM RIMELL
PRIMARY EXAMINER